

ORIGINAL

Before the  
**FEDERAL COMMUNICATIONS COMMISSION**  
Washington, D.C. 20554

RECEIVED

JUL 14 1995

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF SECRETARY

In the Matter of )  
 )  
Amendment of Part 95 of the )  
Commission's Rules to Allow )  
Interactive Video and Data Service )  
licensees to provide mobile service )  
to subscribers )

RM-8476

To: The Commission

DOCKET FILE COPY ORIGINAL

MOTION TO ACCEPT UNAUTHORIZED PLEADING

Brown and Schwaninger (we) respectfully request that the Commission accept for filing and consider our concurrently filed Supplemental Comments in the above captioned proceeding. In support of our position, we show the following.

Although the Commission has received comments and reply comments in the instant proceeding, not until the filing of reply comments was all uncertainty removed concerning the intentions of the licensees and other interests which support the Commission's proposed rule amendments. Only with the filing of reply comments did it become clear that it is the intention of some Interactive Video and Data Service licensees to divert completely from the service proposed by their applications and to enter into a service which was not the basis of the Commission's original spectrum allocation and auction. The intended diversion from provision of service to and from fixed subscriber locations so soon after the original spectrum allocation and grant of initial applications by auction requires full consideration of the current and future nature of the Commission's regulatory role. Therefore, the public

No. of Copies rec'd  
List ABCDE

0+11

PRB


interest would be well served by the Commission's consideration of our supplemental Comments.

Conclusion

For all the foregoing reasons, we respectfully request that the Commission accept our Supplemental Comments for filing and that it consider our Supplemental Comments in making its decisions.

Respectfully submitted,  
BROWN AND SCHWANINGER

By

  
Dennis C. Brown

Brown and Schwaninger  
1835 K Street, N.W.  
Suite 650  
Washington, D.C. 20006  
202/223-8837

Dated: July 14, 1995

### CERTIFICATE OF SERVICE

I hereby certify that on this fourteenth day of July, 1995, I served a copy of the foregoing Motion to Accept Unauthorized Pleading on each of the following persons by placing a copy in the United States Mail, first-class postage prepaid:

J. Jeffrey Craven, Esq.  
M. Tambel Christian, Esq.  
Besozzi, Gavin, Craven & Schmitz  
1901 L Street, N.W.  
Suite 200  
Washington, D.C. 20036

Stephen C. Coran, Esq.  
Rini & Coran, P.C.  
1350 Connecticut Avenue, N.W.  
Suite 900  
Washington, D.C. 20036

John L. Bartlett, Esq.  
1776 K Street, N.W.  
Washington, D.C. 20006

Peter Tannenwald, Esq.  
Irwin Campbell & Tannenwald  
1320 18th Street, N.W.  
Washington, D.C. 20036-1811

William J. Franklin, Esq.  
1919 Pennsylvania Avenue, N.W. Suite 300  
Washington, D.C. 20006-3404

Winston E. Himsworth  
Tel/Logic, Inc.  
51 Shore Drive  
Plandome, New York 11030

Mark D. Schneider, Esq.  
Anne E. Gibson, Esq.  
Sidley & Austin  
1722 I Street, N.W.  
Washington, D.C. 20006

Richard S. Myers, Esq.  
Lori B. Wasserman, Esq.  
Myers Keller Communications Law Group  
1030 15th Street, N.W.  
Suite 908  
Washington, D.C. 20005

Albert Halprin, Esq.  
Halprin, Temple & Goodman  
Suite 650, East Tower  
1100 New York Avenue  
Washington, D.C. 20005

Stephen Kaffee, Esq.  
1920 N Street, N.W. Suite 660  
Washington, D.C. 20036

Louis Martinez  
Radio Telecom & Technology, Inc.  
6951 Flight Road, Suite 210  
Riverside, California 92504

Lauren A. Colby  
P.O. Box 113  
Frederick, Maryland 21705-0113

David A. Reams  
Grand Broadcasting Corporation  
P.O. Box 502  
Perrysburg, Ohio 43552

Thomas J. Keller, Esq.  
Verner, Liipfert, Bernhard,  
McPherson & Hand  
901 15th Street, N.W., Suite 700  
Washington, D.C. 20005-2301

Don Meyers  
Windgate Fund, L.L.C.  
130 William Street, Suite 807  
New York, New York 10038

Richard L. Vega  
The Richard L. Vega Group  
235 Hunt Club Boulevard  
Longwood, Florida 32779

John B. Kenkel, Esq.  
Kenkel & Associates  
1901 L Street, N.W.  
Washington, D.C. 20036

Richard K. Kent  
Interactive Service Designs  
7921 Grayson Road  
Harrisburg, Pennsylvania 17111

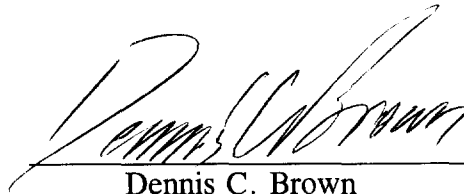
Elliot J. Greenwald, Esq.  
Kevin M. Walsh, Esq.  
Fisher Wayland Cooper  
Leader & Zaragoza  
2001 Pennsylvania Avenue, N.W.  
Washington, D.C. 20006

Stanley I. Cohen  
Concepts to Operations, Inc.  
801 Compass Way, Suite 217  
Annapolis, Maryland 21401

James E. Myers, Esq.  
1555 Connecticut Avenue, N.W.  
Suite 500  
Washington, D.C. 20036

Thomas J. McCabe  
McCabe & Associates  
9 North Third Street, Suite 200  
Warrenton, Virginia 22186

Henry Mayfield  
1400 Carrollsburg Place, S.W.  
Washington, D.C. 20024-4102



---

Dennis C. Brown